

### REMARKS/ARGUMENTS

In the present Office action, claims 1-10, 12, 14-21, and 23-35 were examined. Claims 2-9, 15-21, 23, 25-27 and 29-31 were withdrawn from consideration. Claims 1, 10, 12, 14, 24, 28 and 32-35 were rejected. By this amendment, claim 33 has been cancelled. Claims 1 and 34 have been amended. No new matter has been added. Claims 1, 10, 12, 14, 24, 28, 32, and 34-35 are believed to be in condition for allowance.

#### Specification

The examiner noted that the present application lacks an abstract. An abstract is herein provided on a separate sheet of paper. The examiner objected to the specification as a result of numerous informalities. Specifically, the examiner noted that the Applicant needs to insert various declarations and headings such as "Background of the Invention", "Brief Description of the Drawings", etc. Lastly, the examiner noted that a portion of text starting at page 3, line 16 and running through page 3b, line 3 is a duplicate of the material of pages 3c, line 7 through page 5, line 3. Applicant has herein amended the specification to correct each and every deficiency cited by the examiner.

#### Claim Objections under 35 U.S.C. §112

The Examiner rejected claims 1, 10, 12, 14, 24, 28 and 32-35 for failing to comply with the written description requirement. Specifically, the examiner notes that the amendment of claim 1 to include the limitation of producing a homogeneous

and thin layer of less than 250  $\mu\text{m}$  thickness constitutes new matter.

Applicant has amended claim 1 to remove the language to which the examiner refers. Specifically, the Applicant has substituted an additional limitation for the limitation cited by the examiner, namely "whereby properties of the material to be deposited are measured within the thermal spray". Antecedent basis for this limitation may be found in the original application. Specifically, antecedent basis is found in paragraph 5 of page 3, the last sentence of the first paragraph of page 7, in the second paragraph of page 7, and in the fourth paragraph of page 8. As a result of this amendment, the examiner's grounds for rejection are rendered moot. As a result, claims 1, 10, 12, 14, 24, 28, 32, and 34-35 are believed to be in condition for allowance.

The examiner further rejected claim 34 as being indefinite for failing to particularly point out and distinctly claim the subject matter of the present invention. Specifically, the examiner noted that in claim 34, line 4, use of the term "thermal spraying" is confusing as worded. Claim 34 is amended herein to remove the offensive language. Applicant therefore respectfully traverses the examiner's grounds for rejection with respect to claim 34. Claim 34 is therefore believed to be in condition for allowance. The examiner further noted that should claim 28 be found to be allowable, claim 33 would be objected to as being a substantial duplicate thereof. As a result of this grounds for objection, Applicant has herein cancelled claim 33 without prejudice or disclaimer. The examiner's grounds for rejection with respect to claim 33 are therefore rendered moot.

Claim Rejections under 35 U.S.C. 103

The Examiner rejected claims 1, 10, 12, 14, 24, 28, and 32-34 as being unpatentable over Inoue et al. (US 5,143,746) in view of Savkar et al. (US 5,047,612). With respect to claim 1 as amended, the examiner's grounds for rejection are rendered moot. Specifically, neither Inoue et al. nor Savkar et al. teach or suggest measuring the properties of the still flying particles as does the present invention as recited in claim 1. Specifically, Savkar et al. teaches measuring only the deposited surface coating. The method of the present invention allows for a better controlled production of surface coatings and therefore a more homogeneous surface layer. As neither Inoue et al. nor Savkar et al., taken alone or in combination, teach or suggest this central limitation of the present invention as recited claim 1, Applicant respectfully traverses the examiner's grounds for rejection. Claim 1 is therefore believed to be in condition for allowance. As all of the remaining cited claims are dependent upon claim 1, claim 1 now believed to be in condition for allowance, the remainder of the claims rejected by the examiner are likewise believed to be in condition of allowance.

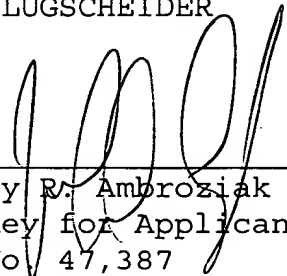
An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any additional fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

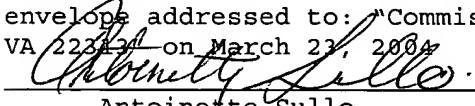
Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22304" on March 23, 2004.

  
Antoinette Sullo